

REMARKS/ARGUMENTS

The Office Action mailed May 18, 2006 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

The specification has been amended to correct minor typographical problems. No new matter has been added. Claims 52-56, 65-69, and 78-82 have been amended as suggested by the Examiner. No new matter has been added.

Informal Objections

Claims 52-56, 65-69, and 78-82 were objected to because on line 1, the word “wherein” should be inserted after the comma for clarity. Claims 52-56, 65-69, and 78-82 were amended as suggested by the Examiner. Accordingly, it is respectfully requested that this objection be withdrawn.

The 35 U.S.C. § 103 Rejection

Claims 51-89 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ginsburg et al. (USP 6,595,856) in view of Nguyen (US 2002/0071557) among which claims 51, 64, and 77 are independent claims. This rejection is respectfully traversed.

The Office Action contends that the elements of the presently claimed invention are disclosed in Ginsburg except that Ginsburg does not teach “storing a license parameter and a corresponding license parameter value of a license for determining access to the gaming system configuration the license applicable to the plurality of gaming units; prevent reconfiguration of the gaming system configuration without interrupting game play on the gaming units.”

The Office Action further contends that Nguyen “teaches a secured virtual network in a gaming environment comprising storing a license parameter and a corresponding license parameter value of a license for determining access to the gaming system configuration, the license applicable to

the plurality of gaming units (paragraphs 15-17, 20, and 77) and that it would be obvious to one having ordinary skill in the art at the time of the invention to combine Ginsburg into Nguyen in order to provide a stable gaming system and enhance security as well as maximize the capability of the gaming network. Moreover, the Office Action states that Applicant's previous arguments were not persuasive "since the license identification process performed on the remote server only denied the request for gaming license compliance in certain conditions, and such denial does not result in any interruption of the game play on the gaming machine" without providing any support for the assertion.

The MPEP states that "[t]he examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." (MPEP §2142). Furthermore, 37 CFR 1.104(c)(2) states that "[i]n rejecting claims for ... obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified."

Additionally, in the case of *In Re Anita Dembiscak and Benson Zinbarg*, 175 F. 3d 994 (Fed. Cir. 1999), the Federal Circuit ruled that while they "noted that evidence of a suggestion, teaching, or motivation to combine may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved. ... the range of sources available, however, does not diminish the requirement for actual evidence. That is, the showing must be clear and particular."

As stated in Applicant's previous response, while Nguyen discloses beneficial methods and apparatus for obtaining game licenses on gaming machines, none of the cited passages in Nguyen disclose or suggest the above-quoted features, which Ginsburg fails to disclose or suggest. For instance, no language in the paragraphs, cited by the Examiner, of Nguyen describes the concept of "prevent [ing] reconfiguration of the gaming system configuration without interrupting game

play on the gaming units.” The cited passages of Nguyen are silent with respect to such features and the Examiner has not provided any actual evidence of the features.

Moreover, the Office action admits that Nguyen does not teach “the limitation of indicating an exceeded license parameter value”, but does not provide a specific reference where such a limitation is found, instead arguing that one of ordinary skill in the art would have found it “obvious to designate as much gaming machine in the casino as possible to maximize profit”. Therefore, Applicant assumes that the Office Action intended to take official notice of facts under M.P.E.P. 2144.03 that the rationale supporting the obviousness rejection is based on common knowledge in the art or “well-known” prior art. Under M.P.E.P. 2144.03, “[i]f the applicant traverses such an assertion the examiner should cite a reference in support of his or her position.” Applicant hereby traverses the assertion and requests that a reference be cited in support of the position outlined in the Office Action.

Applicant respectfully submits that the Office Action is not clear and particular as to where Nguyen teaches the features of the independent claims. Applicant respectfully requests that the Office Action be withdrawn and a new Office Action be sent which cites specific passages in the cited references that disclose or suggest all of the claimed features, particularly in independent claims 51, 64 and 77. Alternatively, Applicant respectfully requests that all pending claims be allowed.

As to dependent claims 52-63, 65-76, and 78-89 the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable. In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited and Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If, in the

opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant does not believe that any additional fees are required to facilitate the filing of this Amendment. However, if it is determined that such fees are due, please charge such additional fees to Deposit Account No. 500388 (Order No. IGT1P259).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to be 'Adrienne Yeung', written in a cursive style.

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